REMARKS

Claims 1 through 15 are pending in this application. Claims 1, 2, 4 through 9, and 11 through 14 are amended herein. The amendments to the claims are merely cosmetic, i.e. removing reference numbers in accordance with U.S. claim drafting procedure, and thus are not made for any reason of patentability. Support for the amendments to the claims may be found in the claims as originally filed. Reconsideration is requested based on the foregoing amendment and the following remarks.

Objections to the Specification:

The Title of the Invention was objected to as being inadequately descriptive. The title matches substantially the preamble of the claims, which is submitted to be customary. The Applicant submits, therefore, that the title is clearly indicative of the invention to which the claims are directed, and is in substantial conformance with the procedures thought generally to be followed at the U.S. Patent and Trademark Office as well. If a telephone conference would help resolve this issue, the Examiner is invited to call the undersigned representative of the Applicant to discuss the title of the invention. Otherwise, withdrawal of the objection is earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claims 1 through 3 were rejected under 35 U.S.C. § 103 as being unpatentable over Terasawa US 2002/0122396 in view of Hall et al. US 6,208,871. The rejection is traversed. Reconsideration is earnestly solicited.

Claim 1 recites:

"a clock generator generating sampling clocks with changed timing by inserting different frequency clocks into the sampling clock based on the cell/sector selected by said cell selector and based on the primary path detected by said path detector."

Terasawa neither teaches, discloses, nor suggests a clock generator generating sampling clocks with changed timing by inserting different frequency clocks into the sampling clock based on a cell/sector selected by a cell selector and based on a primary path detected by a path detector, as acknowledged graciously in the Office action.

The Office action seeks to overcome this deficiency of Terasawa by combining Terasawa with Hall. Hall, however, neither teaches, discloses, nor suggests a clock generator

generating sampling clocks with changed timing by inserting different frequency clocks into the sampling clock based on a cell/sector selected by a cell selector and based on a primary path detected by a path detector either, and thus cannot make up for the deficiency of Terasawa noted in the Office action.

In Hall, rather, FLMM 550 synchronizes its local oscillator frequency to the *system* reference oscillator frequency of first base transceiver station (BTS) 101, as described at column 9, lines 30 and 31. This is to be contrasted with claim 1, in which *different* frequency clocks are inserted into the sampling clock based on a cell/sector selected by a cell selector and based on a primary path detected by a path detector.

Furthermore, synchronization begins by enabling a phase lock loop algorithm in FLMM 550 to begin adjusting its local oscillator frequency to synchronize to the *system* reference oscillator frequency of first BTS 101, as described at column 9, lines 39-42, rather than inserting different frequency clocks into the sampling clock based on a cell/sector selected by a cell selector and based on a primary path detected by a path detector, as recited in claim 1.

Finally, upon expiration of timer 508, FLMM controller 506 freezes the phase lock loop algorithm, thereby yielding a stable free running local oscillator frequency in FLMM 550 which is substantially equal to the *system* reference oscillator frequency of first BTS 101, without continuing to track the first signal, as described at column 9, lines 48-53, rather than inserting different frequency clocks into the sampling clock based on a cell/sector selected by a cell selector and based on a primary path detected by a path detector, as recited in claim 1.

Since neither Terasawa nor Hall teach, disclose, or suggest a clock generator generating sampling clocks with changed timing by inserting different frequency clocks into the sampling clock based on a cell/sector selected by a cell selector and based on a primary path detected by a path detector separately, their combination cannot either. Thus, even if Terasawa and Hall were combined, as suggested in the Office action, the claimed invention would not result. Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 2 and 3 depend from claim 1 and add additional distinguishing elements. Claims 2 and 3 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2 and 3 is earnestly solicited.

Claims 11 through 15 were rejected under 35 U.S.C. § 103 as being unpatentable over Terasawa in view of Padovani et al. US 2003/0142656. The rejection is traversed. Reconsideration is earnestly solicited.

Claim 11 recites:

"a cell selector selecting a most significant cell/sector based on signal sampled by said sampling unit, using at least two different threshold."

Terasawa neither teaches, discloses, nor suggests a cell selector selecting a most significant cell/sector based on a signal sampled by a sampling unit, using at least *two* different thresholds, as acknowledged graciously in the Office action.

The Office action seeks to overcome this deficiency of Terasawa by combining Terasawa with Padovani. Padovani, however, neither teaches, discloses, nor suggests a cell selector selecting a most significant cell/sector based on a signal sampled by a sampling unit, using at least two different thresholds either, and thus cannot make up for the deficiency of Terasawa noted in the Office action.

In Padovani, rather, a base station is only added to the *active* set of the mobile station if the received pilot signal is above a predetermined add threshold and dropped from the active set if the pilot signal is below a predetermined drop threshold, as described at paragraph **[0024]**. There may be more than one member of the active set, so simply *adding* a mobile station to the active set if the received pilot signal is above a predetermined add threshold does not amount to *selecting* a most significant cell/sector based on a signal sampled by a sampling unit, using at least two different thresholds. This is to be contrasted with claim 11, in which a cell selector *selects* a most significant cell/sector based on a signal sampled by a sampling unit, using at least two different thresholds.

Furthermore, the better C/I measurement of a different base station 4 in the active set is not selected unless it exceeds the C/I measurement of the current transmitting base station 4 by at least the hysteresis quantity, as described at paragraph **[0095]**. Thus only a *single* threshold is used, i.e. the hysteresis quantity, whether or not it's added to the C/I of the current transmitting base station as well. Even if hysteresis quantity is added to the C/I of the current transmitting base station, that's still only *one* threshold, i.e. the sum of the hysteresis quantity and the C/I of the current transmitting base station. This is to be contrasted with claim 11, in

which a cell selector selects a most significant cell/sector based on a signal sampled by a sampling unit, using at least *two* different thresholds.

Since neither Terasawa nor Padovani teach, disclose, or suggest a cell selector selecting a most significant cell/sector based on a signal sampled by a sampling unit, using at least two different thresholds separately, their combination cannot either. Thus, even if Terasawa and Padovani were combined, as suggested in the Office action, the claimed invention would not result. Claim 11 is submitted to be allowable. Withdrawal of the rejection of claim 11 is earnestly solicited.

Claims 12 through 15 depend from claim 11 and add additional distinguishing elements. Claims 12 through 15 are thus also submitted to be allowable. Withdrawal of the rejection of claims 12 through 15 is earnestly solicited.

Allowable Subject Matter:

The Applicant acknowledges with appreciation the indication that claims 4 through 10 are allowable.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all claims 1 through 15 are allowable over the cited references. Since the objection to the specification was addressed, it is submitted that all of claims 1 through 15 are now allowable. Allowance of all claims 1 through 15 and of this entire application are therefore respectfully requested.

Please charge any fee or credit any overpayment pursuant to 37 C.F.R. §§1.16 or 1.17 to Deposit Account No. 02-2135.

Respectfully submitted,

By _____

Thomas E. McKiernan
Reg. No. 37,889
Attorney for Applicant
ROTHWELL, FIGG, ERNST & MANBECK
Suite 800, 1425 K Street, N.W.
Washington, D.C. 20005
Telephone: (202)783-6040

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